1:Maes--139 E-5 (1913-1914) 1924 FO32 Mongo FO32

301 Among the peoples of Lake Leopold II, hair ornaments are rare. Hairpins seem to be unknown; combs are made of raffia splints. A woman prefers ornaments of metal, iron, brass, or copper, while the chiefs and great dignitaries like to wear belts, necklaces, bracelets, and trimmed with cowries. The necklace of solid brass is very popular. The heavier it is, the more it is liked. We saw women wearing necklaces weighing as much as 25 pounds. These necklaces are riveted around the necks of the favorite wives of great chiefs or wealthy

[292
293
622]

Fig. 104. Native Chief of Lake Leopold II and his Counselor, Highest Dignitary of the Tribe, both in Dress Costume.

●[586] dignitaries. In case of divorce or separation, the owner of the necklaces removes them without regard for the suffering or cries of the victim. The women seem to be in no way inconvenienced by these cumbersome ornaments. On rare instances they wrap cloth around them to keep them from rubbing against the collarbone. [183]

2: Hulstaert
586

Mongo FO32

/For information concerning divorce and termination of marriage among the Nkundu, see category 116, pp. 34-35, 38, 40-42, 56, 66, 67, 94, 96, 130, 160, 168, 172, 178, 189-192, 202-203, 236, 240, 248, 249, 253-254, 260, 271, and 353-390./

583x 43/ [301] 3) In the past the mother was also entitled to a bongembwɛ or bongombwɛ (depending on the dialect) (2) a heavy copper necklace.

2. The Lokonda term is lonkaɛ.

It was worth 5 bakonga. Nowadays this type of adornment has disappeared almost entirely. It is no longer demanded, for the mother prefers more interesting objects (see the following article).

Furthermore, at the present time substitutions for the goat and the nkando are being asked for in the form of shoes, suits, fabrics, etc.

The mother justifies her demands by recalling the suffering she has endured in bringing her daughter into the world and bringing her up. The valuables she receives belong exclusively to her and her family; they never pass into her husband's clan. She wears the nkando herself, or, if she already has some, she gives them to her sister or her brother, who may have need of them for his wife's bride price. The goats she similarly keeps or gives to her family, depending on her own preferences. Upon her death these valuables are inherited by her relatives, never by her husband or even her own children.

Obviously, the mother's clan has exclusive rights over this payment.

[586] [422] The situation does not change if the mother divorces the girl's father and is married to another man. The "mother's" valuables [144] still belong to her. Even if the separation occurs before her daughter's marriage, she retains her rights to nyang'ɛ́y'ɔ́na.

If she dies before her daughter's marriage, the valuables to which she would have been entitled are given to the representative of her clan (her father, brother, sister, uncle, etc.)

• [587] In case of divorce the husband must be reimbursed for these valuables as for all the rest; but the restitution must be made by the mother's clan, who has received them.

If the husband does not have the valuables for the mother on hand, he gives her a pledge for the payment (wɛ́ko; verb, ɛ́kya), consisting of one or two knives or bakonga. He could never settle

595^ [731] Thus a favorite is in every way the object of her husband's preference. He divides with her all presents he receives, while the other wives are not included in this expression of generosity. [853] But in the matter of sexual relations, apart from his trips, he has obligations to all of them. The most he can do is to add one night to the usual number (see below).

The co-wives adapt fairly well to this preferential system. Nevertheless, there is a good deal of backbiting on account of it. It may also happen that one or another of the wives is jealous to the point of being unable to bear it. [347] The signs of her rancor [514] multiply, and a divorce results in the end.

[766] The nkɔ̄ndɛ́ does not have to go into mourning for anyone other than her husband. Even then she does not remove her clothing. But she does not have to abide by mourning regulations either for her parents or her own children.

[567] Like the other wives, the favorite is passed on through inheritance. But she cannot be taken as a bosɔ́lɔ́ by anyone except an elder brother of the deceased.

595^ 192 Nkɔ̄ndɛ́ is the specific term by which a favorite is designated. Its etymology is unknown to me. The word is used everywhere, although the Injɔ́lɔ́ often say lokílo (whose etymology is equally obscure). Another less common (older?) term known to the Bonkoso, Bongili, Wángatá, and Bakála is bongilí or bongijí (1). In addition

1. The Ekonda call the favorite bokɔ́lo. The Elanga of Losanganya say bofif, a name borne by certain women among the Nkundɔ́ between Jwalé and Boloko. Might this also be an old name?

to the term ikundaka, already cited, there is also the word ebɛ́lɛ́kɛ́, a generic term meaning "preference, predilection" or, when applied to a child or a slave, "an object one does not want to dispose of." The favorite is also called ífɔ́kítámɛ́, "untouchable," because other men may not have relations with her.

421 have seen them as money transactions. We have obtruded our point
613 of view and destroyed the whole legal system of the natives. It is through our materialization of those securities that we have lowered the native woman to a plaything of money and a piece of merchandise.

586 As for the two outgrowths of the native system, divorce and polyg-
595 amy, neither is inherent in the legal system as such. They are only abuses which have taken root and which clash with the principles of the native law itself. By its nature, native marriage is also indissoluble, and polygamy has only been able to exist through a popular confusion between paternal and marital law.

4. Legal Power in the Clan

613 In Nkundo society all individuals do not have equal rights or powers,
627 as in the Napoleonic law books, /154/ but the natural rights concerning people are still completely recognized. All value and power comes from God, through the ancestors. Those who are nearest to God are thus the highest in position, his first representatives. There is no question of absolutism or despotism. Just as the blood is divided among all clan members in a descending line, so also are authority and legal power. They are one as a legal entity in relation to the outside world; nevertheless, each member takes part and has a vote in the internal administration of justice, so that, when clan interests are discussed and dealt with, each member may sit in the place accorded to him and take part in decisions. In a legal sense there is, therefore, no question of a separate family council, which would assist the clan leader, but all decisions are made communally.

594 A single exception to this does exist, namely, that which gives the
627 head of the nuclear family legal power over his wife and children, and then only with the acknowledgment and approval of the clan. Differences between autonomous clans are settled by the clans involved, a sort of international court of law where friendly clans may also be brought in as arbiters.

627 Such an arrangement made the court absolutely "paternal." The whole procedure was one of a reconciliatory character, which resorted to coercive measures only when necessary, and did its utmost to save the honor and the welfare of the involved clans, and to compensate for, to restore, and to prevent further offenses.

595 wife was called Lonkata. This was, however, more a category, for there were sometimes four Lonkata in a harem. The rest were ordinary wives. Among the Ekonda, the first wife was called Nkumokolo, just like the Bomatsa. The second wife was called Ekila or Nkonde. The remaining wives were the ordinary wives of the harem.

595 The first wife, Bomatsa, always remained at home and never
484 left the harem. The second, Ekila or Nkonde, accompanied the polygynist everywhere; she was at his side on all his trips. The Bolumbu usually went completely alone to do errands in other villages.

595 These old customs of priority among the wives are now gradually beginning to disappear.

684 It was forbidden under severe penalty to have relations with the first, second, or third wife of the polygynist. The penalties were death, slavery, or a large fine.

This was their law concerning adultery, enforced with severe punishment.

595 The ordinary wives of the harem were less strictly guarded.
837 This often depended on the jealousy or indifference of the polygynist. Anyone who had relations with these wives had to pay a fine, or rather, a price of prostitution. Since the wives were almost all in the possession of the polygynists, there were naturally many men without a wife. These, then, often had relations with the ordinary wives of the polygynists. Also, the sons of the polygynist had relations with them; the polygynist himself sometimes even had relations with the ordinary wives of his neighbor. This was the bad consequence and the immorality of polygyny.

595 It is easy to understand that the ordinary wives of the polygynist,
586 having relations with others, often left their husband, or rather, their master in order to go to another. The ordinary wives constituted the largest number. It is because of this that one now finds many women who have had three or four, sometimes even seven, different husbands in succession. Among some tribes, [534] the Ekonda among them, they were stricter; a wife who had already left her husband or master two or more times was considered to have little worth.

567 The female slaves who were taken in war were given by the
595 polygynist to his male slaves as wives. They could also be installed in the harem among the ordinary wives. Their children could have the same rights as the other children of the polygynist

583 If the wife was content and if she insisted that a large bride price be paid for her, it was out of vanity and also to procure money for her family (father or brothers), and not out of concern for her children.

586 583 Divorce. When the wife left her husband to go back to her family, they had to give back the bride price they had received. In general this was a very difficult business, because the bride price was used by the father or the brother to obtain another wife for himself, the Nkita. Thus, in order to be able to return the bride price, they would have to sell this Nkita or give her back to her family and ask for the return of her bride price. There were few other ways to give back the bride price; all their property consisted of wives. Since the family usually could not or would not return the bride price, the deserted husband then sought to become the master of the mother or a sister of his runaway wife, whom he then kept as a hostage. Among the heathens, this was a commonly used expedient to retrieve the wife or the bride price. When the runaway wife discovered that her mother or sister was a prisoner of her former husband, she often went back out of sympathy for her mother or sister. When the wife had gone not to her family but to another man, which was often the case, the family urged this second husband to give the bride price to the first husband. This was usually the only practical means by which the difficulty was resolved. This second husband then paid the bride price to the first. Since the [537] bride price often had been only paid in part by the first one, he then paid the remaining portion to the family.

Sometimes, if there were no way to return the bride price, the woman was forced to go back to her deserted husband. To avoid unpleasant treatment, she had to feign submissiveness.

586 587 As soon as an agreement was arrived at, either with the family or with the second husband, over the return of the bride price, the first bond was considered broken. If the woman was with her family, she was considered free to enter into a new agreement. If, however, she was with another husband, then after the argument she was considered bound to that second husband. The primary bond of their agreement thus appears to be the bride price.

586 If the wife had children, these remained with their father, and the bride price was only partially returned. The value of the children was, so to speak, subtracted from the bride price.

837 When a wife of a polygynist had illicit relations with another
586 man of the same village, this was called Bonsamba. When she had such relations with a man of another village, this was called Isoke. As we have observed, the ordinary wives of the harem often had such relations. When the woman eloped with her bonsamba or isoke, or with whomever it was, she was pursued by her husband or owner, who tried to get her back. If the wife refused, negotiations over the bride price began.

If an agreement was reached or if a pledge was given as guarantee for the payment, the first bond was considered broken, and the woman was considered bound to this second man, even though he had been her bonsamba or isoke.

It might also happen that the first husband was so jealous that he did not want to make any agreement; then he attempted to kill either the guilty wife or her second husband. If the woman became
593 ill at the home of her husband, he went to tell her family and had to
758 give a security to the family.
583 Often the family came to get the wife, in order to be able to care for her better. If, in such a case, the wife [538] died at the home of her family, there were no further difficulties about the bride price, according to their customs. If, however, the bride price had still not been completely paid, the family asked their son-in-law to pay the remainder.

583 In recent times, now that the heathen customs have been
178 undermined by the European occupation, we see that the husbands whose wives have gone to their family when sick and have died there, demand the return of the bride price from the family, but this is completely contrary to their old customs. In one case the husband could demand the return of the bride price, namely, if the wife had left while healthy to go to her family and had died there.

562 Buying or Trading of Women. The woman was also in many
439 cases an acknowledged object of trade. The great village chiefs, among others Ibuka and Yoma, of whom we shall speak further, carried on a sort of woman trade. With European articles and also native currency, they went to other districts of the Equator [Province] to buy women with them, just like someone who goes to market, even though no public markets where women were sold actually existed.